



United States Department of the Interior
FISH AND WILDLIFE SERVICE

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To: Field Manager, Salmon Field Office,
Bureau of Land Management, Salmon, Idaho

From: *for* Field Supervisor, Eastern Idaho Field Office, *Doug Lze*
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Effects from Grazing on Nez Perce Grazing Allotment, in Lemhi County, Idaho –
Concurrence
In Reply Refer To: 14420-2011-I-0346 Internal Use: 1005.3000

This memorandum responds to the Bureau of Land Management's (BLM) request for Fish and Wildlife Service (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The BLM's request dated September 16, 2011, and received September 19, 2011, included a biological assessment entitled *Biological Assessment for BLM Actions in the Canyon to Big Timber Watershed Assessment Area* (Assessment), dated September 2011. Since April 2010 the Service has coordinated with the BLM on this Assessment including reviews of drafts. The BLM batched multiple grazing actions in the Assessment for efficient presentation with the subject project being one of those batched actions. Through the Assessment, the BLM determined that the subject project may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*), and its designated critical habitat. Under the Act, bull trout is listed as a threatened species, and has critical habitat designated. Therefore, the Service's concurrence under section 7 of the Act has been requested.

The Service concurs with the BLM's determination, and the Service's rationale is presented below. Information contained in the Assessment is herein incorporated by reference. For clarity, the Service is issuing separate concurrence letters for each individual Allotment from the batched Assessment.

The BLM also made a determination that the proposed action will have no effect to Canada lynx (*Lynx canadensis*). We acknowledge your No Effect determination, but regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations; therefore the Service will not address them further. However, we do appreciate you informing us of your determination for this listed species even if not required to do so under the Act.

Proposed Action

Grazing - The action is continued authorization of grazing approximately 4,000 acres of BLM land and approximately 3,500 acres of other land with approximately 847 cattle from May 20 through October 1 for a total of 977 Animal Unit Months (Assessment, p. 145). Two permits will be used to graze cattle in five pastures; Nez Perce, Negro Green, Lower Riparian, Queenie and Gilmore (Assessment, p. 146). Exact Animal Unit Months will depend on condition of grass canopy cover on the Allotment (Assessment, p. 145). No crossing permits are proposed for this Allotment (Assessment, p. 145).

Species and Designated Critical Habitat Distribution in the Project Area

The Assessment characterizes the streams on the Allotment by segments (Assessment, pp. 148-149), and the Service has reproduced that narrative verbatim below.

Nez Perce Allotment is mostly on private land but contains seven short stream segments on public land:

- Texas Creek in the Lower Pasture has five small corners of public land that include stream habitat totaling about ½ mile. TX-01 DMA in the Lower Riparian Pasture showed streambank stability was 91% in 2010. Riparian vegetation at TX-01 is at PFC and rated at Mid-Seral Ecological Status, slightly below the RMO of late-seral, with 55% Hydric Riparian Vegetation on Greenline in 2010.*
- Texas Creek in the Queenie Pasture – Two short segments totaling 1500 feet of steam habitat and ¾ mile segment upstream of suitable size stream for fish bordering private land. These areas are in PFC with a high quality Carex/willow shrub community with limited livestock impacts.*
- Lower Deer Creek in the Queenie Pasture – One mile of dewatered channel downstream of an irrigation diversion on public land. This is just below the lowest diversion which completely dewateres the stream, consequently causing a complete loss of riparian shrubs. The segment is in Non-Functioning Static Condition with a mix of shallow-rooted riparian vegetation and rock. Conditions are less than desired due to private irrigation water withdrawal.*
- Texas Creek is a relatively large, meadow complex that receives moderate grazing over most of the “non-sagebrush, upland type” habitat. It is unique in that the public land portions are “incidental” corners fenced in with the patented ground. The reaches within the allotment are a meadow complex with a mix of herbaceous/willow/rock controlled channel with good habitat components.*

In summary those areas of Texas and Deer Creeks which are not impacted by water diversion are in relatively good condition considering their location in the drainage and have appropriate channel characteristics with diverse vegetation communities. Recent grazing does not appear to have had substantial negative impacts to riparian condition (Assessment, p. 148).

The segments of Texas Creek in the Allotment are not known to be occupied by bull trout (Assessment, p. 151). The segment of Deer Creek is de-watered during grazing season, and is occupied on U.S. Forest Service lands above the Allotment (Assessment, p. 149), but no bull trout have been documented in the Allotment (Assessment, p. 149).

There is no designated critical habitat in any streams within the Allotment (Assessment, p. 151), however, the Lemhi River downstream of Deer and Texas Creeks is designated critical habitat, under the Act, for bull trout. Those two streams are hydrologically connected only seasonally to the Lemhi River. Critical habitat is proposed in those areas the Service believes have habitat components necessary for conservation of bull trout. The habitat component of importance in the Lemhi River is largely its ability to provide for bull trout movement to tributaries, and as an area to overwinter.

Potential Impacts of Grazing in Fish and Riparian Habitats

In general, grazing rangelands has potential to impact fish and fish habitat by trampling redds, impacting stream temperature through reduction in plant shading, reducing complex bank structures by shearing overhanging banks, and increasing sediment in stream gravel through bank degradation (Assessment, pp. 29 - 42). Impacts can be reduced to a point where their effect to bull trout is insignificant by using move triggers, management of cattle with fences, active removal of cattle from riparian areas, and exclusion of livestock from spawning areas during spawning.

Effects from the Proposed Action

Specifically for this proposed action, the Allotment is not known to be occupied by bull trout, and the BLM has included a wide array of permit terms and conditions, monitoring, and adaptive management techniques to limit impacts to upland and riparian habitats (Assessment, pp. 147-148) including monitoring of grass canopy if more than 632 Animal Unit Months are grazed (Assessment, p. 145). The aggregated effects of the proposed action and distribution of bull trout led the BLM to determine that any remaining effects to bull trout and their habitat, including important habitat components of critical habitat downstream, are likely to be insignificant (Assessment, p. 149).

Concurrence

Based on Service review of the Assessment, we concur with the BLM's determination that the project outlined in the Assessment and this memorandum, may affect but is not likely to adversely affect bull trout. This concurrence is based on condition of bull trout habitat within the Allotment, bull trout distribution, project design, and protective measures included as part of the proposal that reduce impacts of grazing to bull trout and its occupied habitat to an insignificant level. We also concur with the determination that the proposed action is not likely to adversely affect designated critical habitat, because the grazing strategy and protective measures included as part of the proposal reduce the scale of impacts such that they are unlikely to be significant.

This concludes informal consultation. Further consultation pursuant to section 7(a) (2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect listed species or designated habitat in a manner or to an extent not considered in the assessment, the action is subsequently modified in a manner that causes an effect to listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of endangered, threatened, and proposed species. If you have any questions regarding this consultation, please contact Doug Laye of this office at (208) 237-6975.

cc: BLM, Challis (Feldhausen, Trapani)
NOAA, Boise (Mabe)
NOAA, Salmon (Murphy, Fealko)
IDFG, Salmon (Schmidt, Curet)